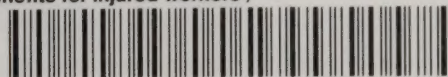


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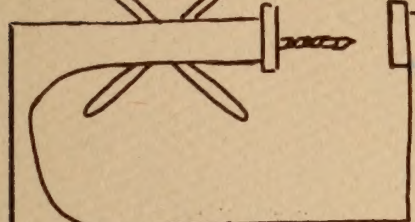
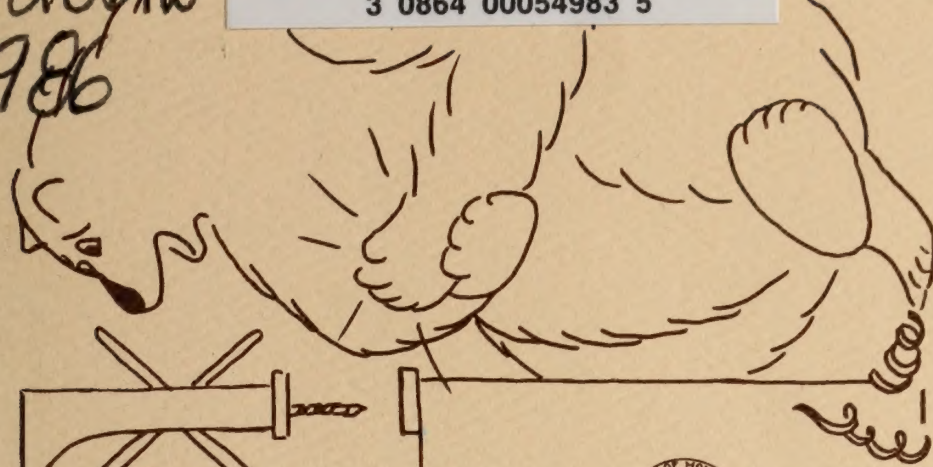
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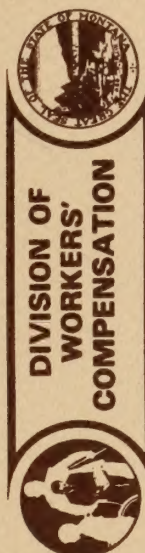
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BENEFITS FOR INJURED WORKERS

PLEASE RETURN

PAM 6 (New 4/86)

Grizzly Bear

Ursus arctos horribilis



For 50,000 years the grizzly bear has roamed the American continent, though in the contiguous United States it now occupies but 1% of its former range and its population is now fewer than 1000 bears down from the 100,000 or more of pre-Columbian America.

Dubbed "grizzly" or silvertip because its guard hairs are often paler at the tips, this omnivore ranges in size from 300 to 1000 pounds, and adults can consume as much as eighty pounds of food in one day. 90% of its diet consists of plants.

Because this powerful and resourceful animal is the very embodiment of the American wilderness, Montana's school children voted it our state animal and then secured that official designation in statute passed by the 1983 legislature.

GENERAL INFORMATION

WHAT IS WORKERS' COMPENSATION?

Montana's no-fault workers' compensation law has been in effect since 1915. It provides benefits to almost all workers in the state who are injured on the job. Benefits are paid for only those injuries that occur during the course of employment. Neither general liability nor health and accident policies are substitutes for workers' compensation insurance.

WHO'S COVERED?

All Montana employments regardless of age or the number of hours worked are covered except, household and domestic, casual, most volunteers and those employees working for aid and sustenance. Coverage is not required on members of an employer's immediate family if they are dwelling with the employer. Sole proprietors and business partners are also exempt. The last legislature exempted officials or judges at school amateur athletic events unless they are otherwise covered. Federal and railroad employees are covered by the Federal Act. Your employer may obtain coverage for these exempted employments by contacting his insurance carrier.

WHAT'S COVERED?

All injuries caused by your job are covered, minor as well as serious, even first aid type injuries. Disease is also covered if it is caused by your employment. If you are not sure, ask your employer's insurance company representative.



by N. G. 2

REPORTING REQUIREMENTS

WHAT DO I HAVE TO DO?

Report all on-the-job injuries to your employer immediately even if you don't feel it is necessary to see a doctor. DON'T DELAY. A seemingly unimportant accident could be the cause of a future disability. Accidents must be reported to your employer within sixty (60) days of the incident, and a claim for compensation must be submitted within 12 months from the date of injury. If you need medical attention, report to a doctor or your employer's aid station promptly for treatment.



If you lose days from work, or suspect you may, because of the accident, submit a claim for compensation. This form is provided on the bottom of your Employer's First Report. You may submit a separate claim if you wish. Request a form from your employer or send in the card attached to this publication.

All reporting forms are provided free of charge by the Division of Workers' Compensation. You may also pick one up at your local Job Service Office.

MEDICAL/DEATH BENEFITS

WHAT MEDICAL BENEFITS ARE PROVIDED?

Your employer's insurer must furnish, without limitation of time or dollar amount, reasonable doctor, hospital, medical services, prescription drugs, and other treatments required because of a work related injury. This includes, but is not limited to, X rays, lab tests, repair of dentures, prescription eye glasses, contact lenses, etc.

You may select your own treating physician, but you must receive permission from your employer's insurer before you change treating doctors. Any physician licensed to practice medicine in Montana may provide service. Unless it is an emergency, your treating physician must obtain the consent of the insurer before you can be referred to a specialist.

WHAT ARE THE BENEFITS IN CASE THE INJURY CAUSES DEATH?

If an industrial injury causes death, your spouse and unmarried children, collectively are entitled to a weekly compensation of two-thirds ($\frac{2}{3}$) the wages you earned at the time of the accident, minimum of one-half ($\frac{1}{2}$) of the state's average weekly wage. The rate cannot exceed actual wages received at the time of death. Your spouse is eligible for weekly benefits for life unless he/she remarries; at which time, a two-year lump sum payment will be made. Unmarried children receive benefits until age 18 or age 25 if attending an accredited school. If you leave no spouse or unmarried children, then your dependent parents, brothers, or sisters may be eligible for weekly benefits. If there are no dependent beneficiaries, the insurer will pay \$3,000 to your surviving parents. The insurer will also pay up to \$1,400 for burial expense.



REHABILITATION BENEFITS

WILL THE WORKERS' COMP INSURER RETRAIN AND HELP ME FIND WORK SHOULD IT BE NEEDED BECAUSE OF THE INJURY?

If you are unable to return to your former job or find suitable employment, you may be eligible for rehabilitation services. These services include, but are not limited to, physical rehabilitation, retraining and education when needed, and job placement. As an injured worker, you may receive actual and necessary travel expenses from your residence to the place of training, living expenses while in training up to \$50 a week, and expenses for tuition, books, and necessary training materials.

While you are in a rehabilitation program, you may also be eligible for wage loss compensation benefits.



SUBSEQUENT INJURY BENEFITS

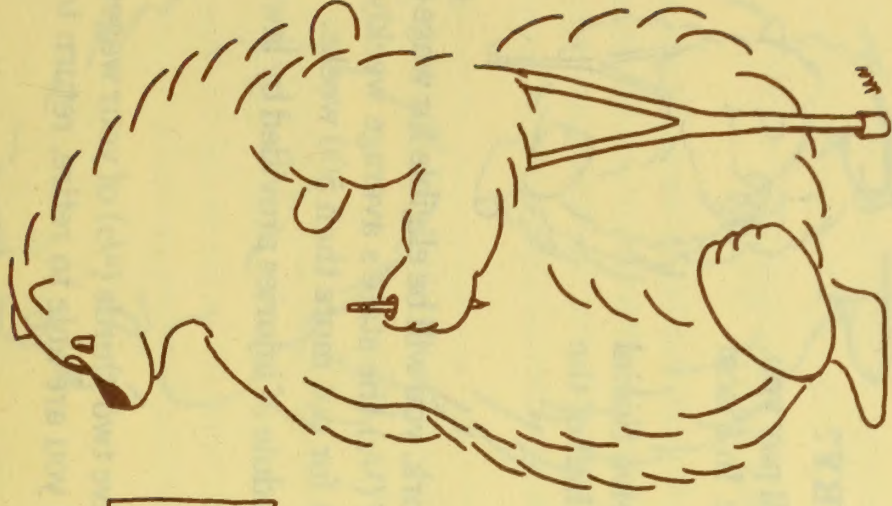
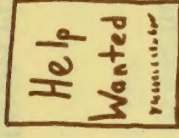
WHAT CAN I DO WHEN I FIND IT DIFFICULT TO OBTAIN A JOB BECAUSE OF A MEDICAL HANDICAP?

If you are vocationally handicapped because of an industrial or some other injury and you are having a difficult time finding employment, it may be to your advantage to become certified by the Division for subsequent injury benefits. This program is designed to provide employer incentives to hire medically handicapped workers by limiting the employer's risk liability in the event you have an industrial accident.

Your first step is to complete and submit an application to the Division of Workers' Compensation. Once you are "certified" show your prospective employer your certification card, as he must notify the Division that you have been hired.

The Subsequent Injury Fund does not change the benefits payable to the "certified" person. It only provides a method where the obligation of the employer is reduced and a substantial part of benefits can be paid from this special fund.

If you need an application, send in the card attached to this publication.





WAGE LOSS COMPENSATION

WHAT HAPPENS IF I CAN'T RETURN TO WORK BECAUSE OF THE JOB-RELATED INJURY?

If you are off work and lose wages for more than five (5) working days, your employer's insurance company will pay you, from the date of injury, two thirds ($\frac{2}{3}$) of your gross wage up to a maximum of the state's average weekly wage. In Fiscal Year 1985-86, this maximum is \$293 per week.

Benefits will be paid every two weeks until you are no longer temporarily disabled. If, in addition, you receive Social Security Disability payments, your insurer may reduce your workers' compensation wage loss benefits by one-half of the amount of your original Social Security benefit for as long as you receive those payments.

WHAT HAPPENS IF I AM PARTIALLY DISABLED BECAUSE OF THE INJURY?

When your injury is healed as far as possible, and if you lose wages because of the injury when you return to work, you will be eligible for wage-loss benefits. These benefits are two-thirds ($\frac{2}{3}$) of the amount you are losing up to a maximum of one-half ($\frac{1}{2}$) the state's average weekly wage, \$146.50, in Fiscal Year 1985-86. In this case, compensation will be paid during the disability period but for not more than 500 weeks.

If your injury results in a physical impairment, you are eligible to receive additional benefits according to a schedule of injuries provided by law. You may have additional benefits due if your injury decreases your capacity to earn wages.

WHAT IF I CAN'T FIND A JOB BECAUSE OF THE INJURY?

If you have no prospect of returning to your regular employment because of the injury, you are entitled to receive two-thirds ($\frac{2}{3}$) of your wages at the time of the injury up to a maximum of the state's average weekly wage. This benefit continues until you are able to retire, return to regular employment, or accept Social Security retirement benefits.

OCCUPATIONAL DISEASE BENEFITS

AM I COVERED IF I BECOME ILL OR AM STRICKEN WITH A DISEASE BECAUSE OF MY EMPLOYMENT?

If you contract any disease that arises out of or from your employment, you are covered under the provisions of the Occupational Disease Act. However, the disease must have a direct connection with the conditions under which you work and be a result of the exposure you experienced because of your employment. The disease must be traceable to your employment and cannot have come from a hazard to which you may be equally exposed outside of your job.

HOW DO I APPLY?

You may apply for Occupational Disease benefits by using the same form as you would for an Industrial Injury. Be sure you describe in detail the circumstances under which you became ill.

HOW LONG DO I HAVE TO FILE A CLAIM?

You must file a claim for benefits within two years of the date you knew, or should have known, of your occupational disease.



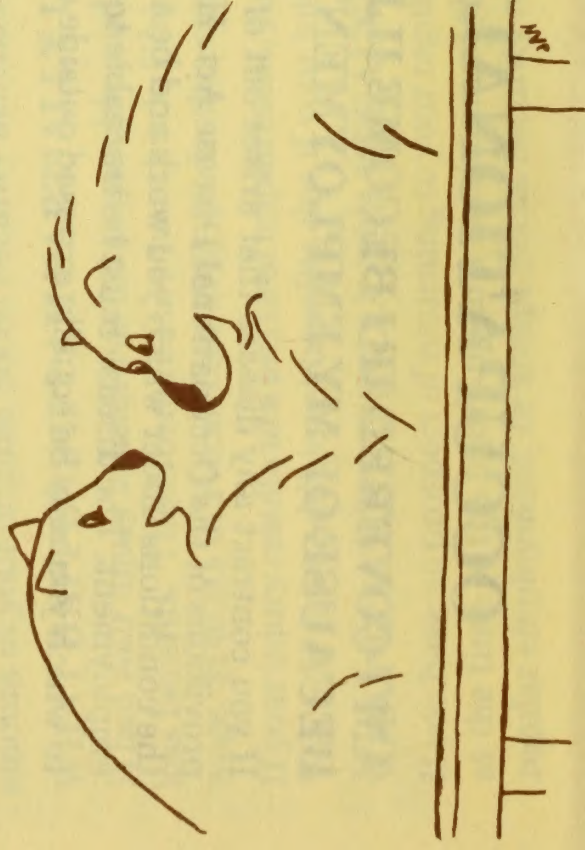
SETTLEMENTS

IS IT POSSIBLE TO CONVERT BI-WEEKLY BENEFIT PAYMENTS INTO A LUMP SUM?

Under rules adopted by the Division, you may be eligible to convert payments for a total or partial disability into a lump sum. The law presumes that it is in your best interest to continue the bi-weekly payments. However, if you can demonstrate it is more probable that you and your dependents can be sustained financially with the lump sum, rather than receiving bi-weekly payments, the Division may approve a lump sum settlement. For accidents occurring after April 15, 1985, an insurer may discount the amount of a permanent total settlement to present value at the annual rate of 7%.

Any attorney fees you incur may be deducted from the settlement proceeds. Contact the Division for details of allowable fees an attorney may charge.

Lump sum awards may also be made for injuries causing partial disability. These benefits are generally allied with a permanent disability associated with the loss of use of a body member. Awards may also be made for loss of earning capacity in the event you can or do return to work. You may contact your employer's insurance representative or the Division for details.



RIGHTS & REMEDIES

WHAT CAN I DO IF I DON'T AGREE WITH A DECISION MADE BY AN INSURER OR THE DIVISION?

If you disagree with a decision made by the Division, an insurance company, or its agent, you may pursue further consideration as follows:

1. Administrative Review - An informal process whereby the Division administrator or his designee will review all relevant facts and applicable laws to determine if your rights have been abused. You may request an administrative review by simply writing to the Administrator, Workers' Compensation Division, 5 South Last Chance Gulch, Helena, Montana 59601. Be sure to fully explain your position on the contested issue. Unresolved items may proceed to a contested case hearing or, where benefits are not involved, directly to a court.

2. Contested Case Hearing - A formal hearing in which sworn testimony is taken involving disputes by an insurer, employer, attorney, medical provider, adjuster, or a claimant. Issues covered by the Workers' Compensation Law may be resolved at a contested case hearing. Issues involving medical benefits may be resolved with this process but disputes on wage benefits are properly resolved by the Workers' Compensation Court. You may request a contested case hearing by writing to the Administrator, Division of Workers' Compensation.

3. Workers' Compensation Court - An appeal court for final decisions made by the Workers' Compensation Division and a court of original jurisdiction for benefit claims. This court does not follow formal rules of procedure and evidence but is generally guided by them. If you find it necessary to present your case to the court, you are well advised to be represented by legal counsel. Appeals from this court go directly to the Montana Supreme Court.





UNINSURED EMPLOYERS

WHAT CAN I DO IF MY EMPLOYER NEGLECTED TO BUY WORKERS COMPENSATION INSURANCE?

Your employer is required by Montana law to provide workers' compensation coverage on all the firm's employees. Other than the following, all employments must be covered;

- 1) household and domestic employment;
- 2) casual employment;
- 3) employment of family members dwelling in the employer's household;
- 4) sole proprietors and working members of a partnership (their employees must be covered);
- 5) persons performing service for aid or sustenance only; and
- 6) unless otherwise employed by a school district, an official at a school amateur athletic event.

If you have an injury and find out that your employer does not have proper workers' compensation coverage, you may pursue any or all of the following:

- a) If funds are available, you may request benefits from the uninsured employers fund. Contact the Division for details.
- b) You may also enter into an agreement with the Division to allow it to pay to you any funds for benefits it may collect from your employer. The employer's liability under this option may not exceed \$50,000.
- c) You may also pursue a damage action directly against your employer.
- d) You may sue your employer for failure to have workers' compensation insurance. This legal action is brought directly against your employer for the amount of compensation you would have received if your employer had been properly insured.
- e) You may pursue any other civil remedy provided by law.

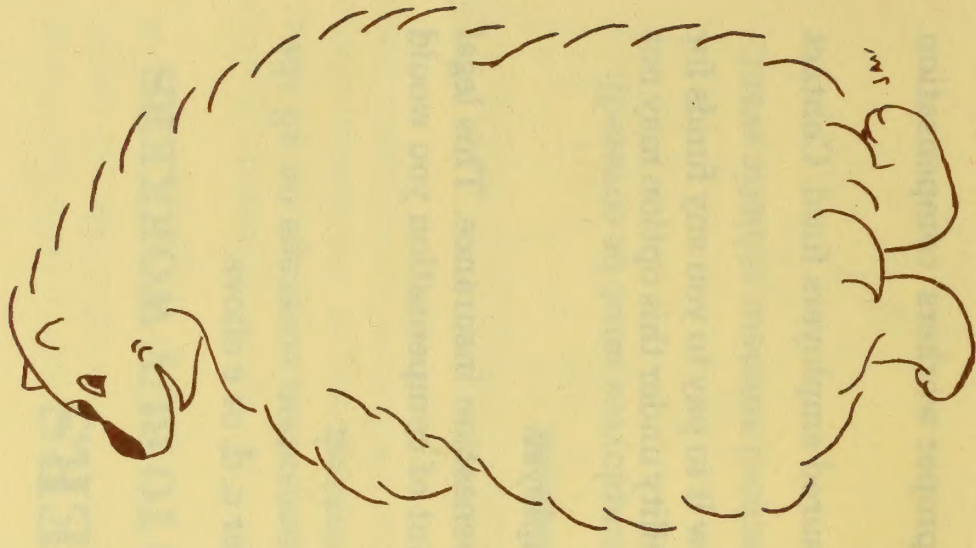
You would be well advised to consult an attorney if you wish to consider c, d, or e above.

This publication is prepared and distributed by the Montana Division of Workers' Compensation and is intended to provide information to injured workers in Montana about workers' compensation benefits.

FOR MORE INFORMATION CONTACT:

Insurance Compliance Bureau
Montana Division of Workers' Compensation
5 South Last Chance Gulch
Helena, Montana 59601
(406) 444-6530

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Please send me an application for:

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☐ CLAIM FOR COMPENSATION

☐ SUBSEQUENT INJURY BENEFITS

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